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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,668	11/13/2001	Patrick W. Girdalin	025505-2005	8492
36412	7590	12/13/2004	EXAMINER	
DUCKOR SPRADLING METZGER 401 WEST A STREET, SUITE 2400 SAN DIEGO, CA 92101-7915			LIU, MING HUN	
			ART UNIT	PAPER NUMBER
			2675	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/992,668

Applicant(s)

GIRALDIN ET AL.

Examiner

Ming-Hun Liu

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 4-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5,987,421 to Chuang in view of US Patent 5,914,671 to Tuttle and further in view of US Patent 5,652,570 to Lepkofker.

In reference to claims 14, 15, 26, 27 and 38, Chuang discloses a method for tracking in real-time the location of a group of member within a defined environment and for providing information to any member of the group about the location of any other members of the group (column 1, lines 11-14 and column 8, lines 8-10). Chuang's invention provides each member with an identification tag (column 2, lines 37-40 and GID), each tag having a unique serial number associating each member with the group and with the unique serial number communicating with each tag as members move within said defined environment communicating providing information indicative of the unique serial number and determining the location information of each member from communicating (column 3, lines 8-24).

As the applicant points out in his remarks, the two systems are similar however they differ slightly on the mode of implementation, namely the transmitting and receiving means between the ID tags and the system communication systems. The examiner

therefore includes the Tuttle patent to illustrate that the RFID location method posed by the applicant is well known in art and therefore cannot be considered novel.

Tuttle teaches a method of tracking in real-time the location of a group of members within a defined environment and for providing information to any member of the group about the location of that member (column 2, lines 25-42 and column 18, lines 1-18). As shown in figures 3,4 and 5 a member possesses a particular transmitting ID tag with a particular number (item 32). Tuttle's system is best understood by referring to figures 1 and 2. Several transmitters (item 52) are used to keep continuous location information on the position of each ID tag. These transmitting antennas are controlled by interrogators (item 50).

As one skilled in the art understands, the two inventions are similar however Chuang's invention uses pagers where as Tuttle's invention uses RFIDs. The functionality of Chuang's invention can be maintained (ie. Keep grouping algorithm, location identification and purpose) while changing the mechanical infrastructure as Tuttle suggest. Such a modification would be appropriate because to maintain real-time communication between the system and user while at the same time reducing the amount hardware worn by the user.

Finally as both Chuang and Tuttle suggest, a visual display of some kind is required to present the location information in an easily read fashion. However, Chuang does not explicitly state how this map will be displayed. Lepkofker, in a similar invention, shows on figure 11 and column 10, lines 9-14, a map displayed on a monitor. It would have been obvious to one skilled in the art to incorporate a monitor as a source

of the map so that icons of the members being identified can be displayed visually on the map for the sake of ease of use.

Referring to claim 4, Chuang discloses a method where requesting comprises interaction between the requesting member and a graphical user interface (column 4, lines 46-50).

In reference to claim 5, as mentioned before, Chuang does disclose a graphical user interface, however he does not specifically disclose that the interface be a touch screen system. Chuang does state on column 4, lines 47 that the device have “manipulable inputs, such as push buttons or the like.” It is well known in the art that touch screens are common methods of user input. One skilled in the art would have been motivated to use a touch screen instead of push buttons to promote ease of use.

In reference to claim 6, Chuang does not explicitly describes a method further comprising storing the location information of each user for a fixed period however this limitation is implies if not inherent to the invention.

In reference to claims 7 and 8, Chuang describes a system where he obtains personal information about members (column 3, lines 64-66) but he does not account for obtaining personal information on all members in the group, nor does he specifically include age as a necessary demographic. However, as Chuang discusses on column 6, lines 55-57, the demographic data obtained from the system can be used for statistical analysis. It would be obvious to one with business sense that obtaining more subject data and age data is essential for optimum statistical analysis. It would have been obvious to modify Chuang’s invention by increasing the number of people sampled and retrieve age information to gain a more accurate representation of the individuals in the environment.

In reference to claim 9, it can be seen from Lepkofker's disclosure (figure 11, and column 10, line 16-29) that his invention associates each member with an icon for representation on a monitor. It would have been obvious to incorporate such a feature to the display monitor so that users can visually track the position and progress of an individual in the group.

Referring to claim 10, Chuang describes a method that includes returning a tag provided to a member and disassociating the member from the group (column 3, lines 1-2).

In reference to claim 11, Chuang, as stated before, includes a method where the tag retrieval and disassociating the group relations, however he does not explicitly state that disassociating includes deleting the member from a member list associated with the group. But when referring to column 4, starting from line 7, Chuang states, "In the event that more than one GID device is rented, the GID devices are linked to each other so that they now function as a group. The group linking relation information is stored in the CCS database for later reference." His disclosure implies that disassociating includes deleting the member from this linking relation information database.

In reference to claim 12, returning a tag provided to a member, disassociating the member from the unique serial number of the tag, providing the member with a new tag having a new serial number and associating the member with a new serial number (column 8, lines 40-44).

In reference to claim 13, disassociating the member from the group and associating the member with a new group (column 9, lines 34-40).

In reference to claims 16 and 28, there is no disclosed criticality as to why a digital picture must be displayed as the icon. This is merely a design specification that one skilled in the art would have added to increase the readability of the map device.

Claims 17-25 and 29-37, claims limiting the inventions to specific group manipulations, are obvious and well-known group organization operations as known by one skilled in the art. Some these claimed group manipulations are never given a specific defining labels by their inventors, nonetheless these functions can be extrapolated from the descriptions offered by the inventors in their specifications. In the case of Tuttle, the group may consist of passengers or a group of a passenger and his belongings.

In reference to claims 17 and 29, Chuang's invention is based on this feature (column 6, lines 50-54).

In reference to claims 18, 24, 30 and 36, Tuttle explains different group manipulations sub-group merging is described on column 16, lines 13-15.

In reference to claim 19 and 31, Tuttle teaches that only airport personal can alter the group listing assignments.

In reference to claims 20, 21, 32 and 33, Tuttle discusses on column 17, lines 3-9 a method to add and delete individual from one group to another and discontinuing a group.

In reference to claims 22 and 34, Tuttle teaches the replacement of tags on column 17, lines 54-58.

In reference to claim 23 and 35, Tuttle teaches the notification of lost and misplaced tagged item (column 14, lines 25-39).

In reference to claims 25 and 37 on column 18, lines 10-18, Tuttle teaches the message board notification process.

Response to Arguments

2. Applicant's arguments with respect to claims 4-38 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ming-Hun Liu whose telephone number is 703-305-8488. The examiner can normally be reached on Mon-Fri.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Ming-Hun Liu
November 30, 2004


DENNIS-DOON CHOW
PRIMARY EXAMINER